

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA)
)
 v.) Case No. 3:07CR00042-001
)
FREDY MARTINEZ-PALMERO)
 Defendant.)

ORDER

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Fredy Martinez-Palmero, to time served, and commencement of a five-year term of supervised release previously imposed. The court finds:

1. Defendant, Fredy Martinez-Palmero, was found guilty of violating 21 U.S.C. §§ 846 Conspiracy to Possess with Intent to Distribute in Excess of 500 Grams of Methamphetamine.

2. Mr. Martinez-Palmero was sentenced on November 10, 2009, in the United States District Court for the Southern District of Indiana, to a total term of imprisonment of 121 months followed by a five-year term of supervised release.

3. He is not likely to survive either to his home detention eligibility date of May 4, 2016, or his Good Conduct Release date of November 4, 2016.

4. Mr. Martinez-Palmero, age 31, has been diagnosed with metastatic esophageal cancer. Mr. Martinez-Palmero has been aggressively treated with weekly chemotherapy; however, his

condition is poor and continues to deteriorate. He requires assistance with his Activities of Daily Living. His prognosis is very poor and oncologists believe that his life expectancy is less than six months.

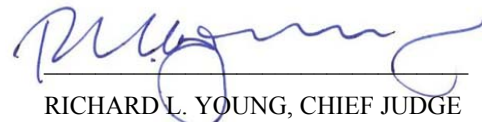
5. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this court agrees, that the Defendant's terminal medical condition and limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the five-year term of supervised release previously imposed.

DONE AND ORDERED THIS 4th DAY OF JANUARY 2012.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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